



Pesticide and Plant Pest Management Division

Pesticide Application Business License (PABL) Renewal Frequently Asked Questions (FAQ)

Is your company “breaking the law”? Read below for FAQs on renewing your license before December 31, 2008 and avoiding potential violations.

Annually, over 400 of the approximately 2,000 licensed Pesticide Application Businesses fail to renew their Pesticide Application Business License (PABL) prior to January 1st of the new license year. In 2008, the Michigan Department of Agriculture (MDA) increased enforcement action and found more than 100 firms in violation because they were offering pesticide application services but had not renewed their license. Enforcement actions taken by MDA included administrative fines, license revocation, and criminal prosecution.

To assist firms with the renewal process, this FAQ list has been developed to explain some of the most frequent violations that occur when firms do not renew their PABL by December 31st. Often, a lack of understanding of the laws concerning PABL requirements results in firms inadvertently violating state laws and regulations. You are encouraged to know the law and review these common questions and mistakes so your firm will be in compliance for 2009!

#	Question	Answer
1	What is the penalty if I fail to renew my PABL by December 31st?	If you are found to be holding yourself out to be in the business of applying pesticides, penalties could include administrative fines up to \$1,000.00 per violation and count, or criminal prosecution with a penalty of up to \$5,000.00 if found guilty.
2	Could I be fined for other violations?	Yes. If MDA does not receive a renewal application or decline response from you, MDA may determine that your firm will need to be inspected. Aspects such as recordkeeping, service agreements, customer receipts, mixing and loading, and more could be inspected. Each additional violation found could elevate the enforcement action.
3	I do not apply pesticides until the spring, so why do I need to renew by December 31st each year? I am very busy doing fall clean-up and snowplowing in the fall and winter, so why can't I wait until spring to send in my PABL renewal application? Why does MDA care when I get licensed?	<p>Your PABL expires December 31st each year. Even if you do not apply pesticides until the spring, you may still be “holding yourself out to the public as being in the business of applying pesticides,” which requires having a Pesticide Application Business License according to Act 451 of 1994, the Natural Resources and Environmental Protection Act, Part 83, Pesticide Control, Section 8313(1). In addition to physically making pesticide applications, “holding yourself out to the public as being in the business of applying pesticides” involves many activities including, but not limited to:</p> <ul style="list-style-type: none"> • Advertising in flyers, brochures, trade shows etc. • Advertising on business cards, checks, vehicle signs, store front signs, and on voicemail or answering machines • Contracting with advertisers, including the phone book, that will publish your ad during the upcoming season • Advertising anywhere on the Internet • Receiving phone calls to schedule services for the upcoming season • Holding service contracts that automatically renew from year to year • Holding service contracts that extend beyond 1 year.

	(Question 3 continued)	<p>The simple action of talking on the phone to a customer who asks if your firm does weed control is a form of advertisement. MDA can, and will, hold you accountable for operating without a PABL if we find that your firm is telling customers that you perform weed control and you have not yet renewed your PABL.</p> <p>From a logistical standpoint, MDA must verify that your firm meets the State of Michigan PABL requirements, including experience, insurance, and a properly completed application. This process is labor intensive, and with over 2,000 PABL applications, a substantial amount of time is required to complete the task. Firms are responsible for complying with the legal requirements for licensure. Firms who submit their renewal application prior to January 1st will be processed first. MDA encourages firms to submit their renewal applications in a timely manner.</p>
4	I am not planning on submitting my PABL renewal application by December 31st, because I am uncertain if I am going to stay in business, and I do not have enough funds at this time. Is that OK?	Yes, provided that you are not holding yourself out to the public as being in the business of applying pesticides (see Question #3) during any time that you are unlicensed. However, soliciting customers after December 31, 2008 to determine their interest in your services would be a violation.
5	I did not renew my PABL because I discontinued making pesticide applications, but my website still shows that I offer pesticide application services. Is that a violation?	Yes! You are still advertising, which requires a PABL. Even if you have a third party managing your website, and they have not removed the pesticide application advertising or shut down the website at your request, you are still in violation. MDA will hold you responsible for not maintaining your PABL. If the website management company does not respond to your requests to alter/remove the site, notify your regional MDA office.
6	I heard that if I submit my PABL renewal application, I can consider myself licensed even though I have not received the paper license in the mail. Is this true?	Only if you have submitted <u>all</u> the required elements. Firms that have submitted a renewal application will only be considered licensed after we receive your completed PABL application <u>and</u> process your check <u>and</u> only if there are no deficiencies in the renewal application. For example, if a firm submits a renewal application but the insurance is expired or the qualifying applicator has not renewed his/her certification credential yet, the firm will not be considered licensed. When deficiencies are found on the application, MDA sends a letter to the firm identifying the deficiencies. Firms receiving deficiency letters are strongly encouraged to rectify the problem(s) as quickly as possible. Remember, firms receiving deficiency letters are not considered licensed and therefore cannot hold themselves out as being in the business of applying pesticides (See Question #3).
7	If I did not receive a renewal application, am I held accountable for continuing to operate without a PABL?	Yes, you are still accountable and would be found in violation. MDA sends out renewal application forms in October of each year to all currently licensed firms. If you do not receive a form, it is still your responsibility to renew your license annually. New and renewal applications can always be obtained by contacting your nearest MDA office or visiting http://www.michigan.gov/mda/0,1607,7-125-1569_16988_35288---,00.html .

8	<p>Would I get my license faster if I send it “overnight” or “express mail” to MDA?</p>	<p>PABLs are processed through several steps. First, your renewal application and all enclosed materials are received at the department finance office. Your renewal application and check are processed in finance, and then sent to our division. If you send your license application via overnight mail, you will save a little time, but all PABL applications are processed through the same system in the order received. It is in your best interest to avoid waiting until the last minute to send in your PABL renewal application.</p>
9	<p>I did not receive my proof of insurance from my insurance company. Can I still send in my license renewal form?</p> <p>Can my insurance company directly fax my certificate of insurance to the MDA?</p>	<p>Yes, but you will not receive your PABL until MDA has proof of insurance. MDA will send you a deficiency letter requesting the required insurance information and will not process your PABL until we receive proof of insurance from you, which could significantly delay the issuance of your PABL. In the meantime, under an expired license you cannot “hold yourself out to be in the business of applying pesticides” until you submit proof of insurance to complete your license application.</p> <p>The MDA fax number for PABL insurance certificates is (517) 335-4540. If a firm instructs their insurance company to fax their certificate of insurance directly to MDA, the firm should also instruct the insurance company to notify them that it was faxed.</p>
10	<p>My pesticide applicator certification credential is expiring on December 31, 2008. Should I submit my PABL renewal application before I take my exams?</p> <p>How soon in advance can I take my certification exams to renew?</p>	<p>Yes – you can submit your renewal application before taking exams. If you have not renewed your applicator certification before the end of the year, it is still important that you submit your firm’s PABL renewal application before December 31st. You should receive your certification renewal form in the mail by October 1st, which gives you 3 months to renew.</p> <p>Applicants may take their certification exams as soon as they receive their certification renewal form. Please note that renewals are mailed to the address on record with MDA, so if your address has changed, please call your local MDA office for assistance. Check your card and your qualifying applicator’s card for the expiration date and plan ahead to take the exams. Once your credential is issued, your PABL license application can be processed. Note: The renewal notice for your PABL will also show all applicator certification expiration date(s).</p>
11	<p>Please remind me - what is a qualifying applicator?</p> <p>How do I know who is my qualifying applicator?</p>	<p>A qualifying applicator is the certified applicator(s) at your firm whose experience allows you to have a PABL. When you first applied for your firm’s PABL, you submitted a Notarized Statement of Experience (NSE) that documented the education and experience your applicator had in the categories for which you wanted your firm to be licensed. Note that you may have more than one qualifying applicator, but an NSE should have been submitted for each applicator you want to be considered as a qualifying applicator (must have one qualifier per category). Also, an individual can be the qualifying applicator for only one firm.</p> <p>On your PABL renewal application, the qualifying applicator noted in MDA records will have an asterisk next to his or her name. If the firm loses its qualifying applicator, see Question #12.</p>

12	My qualifying applicator quit--what do I need to do?	<p>Since the issuance of the firm's PABL is based on having a qualifying applicator that is certified in the categories requested for the PABL, the firm will have to submit a Notarized Statement of Experience for a new qualifying applicator. Until the firm hires a new applicator that is approved as the qualifying applicator, you are prohibited from "holding yourself out to the public as being in the business of applying pesticides" (see Question #3). Contact your regional office for guidance as soon as possible.</p> <p>If your qualifying applicator terminates employment mid-year, you must contact MDA immediately (see Question #13).</p>
13	If I hire other certified applicators or some quit, do I have to notify MDA?	Regulation 636, Rule 12 states, "the licensee shall notify the director of any changes relative to the status of a certified applicator named on the license application." If the applicator was listed on the firm's PABL application, the firm must contact MDA to update information. If the firm hires applicators (who are not the firm's qualifying applicators), they do not need to notify MDA.
14	If my firm goes out of business, chooses to no longer apply pesticides for hire, or begins subcontracting pesticide application work, am I required by law to inform MDA?	<p>You are not required to notify MDA. However, when MDA mails your renewal application, we ask that you check off the "decline" box at the top right of the form and return it to us, or contact MDA at 517-335-4095 to update your status. This will ultimately save you time, because if MDA does not receive a renewal or decline response from you, we will contact you via phone, send you a formal order to contact us, or visit your establishment for an inspection. Please note that you must be in compliance with the provisions of the subcontracting policy if you are subcontracting applications. A copy of the subcontracting policy can be obtained by contacting your nearest MDA office or visiting http://www.michigan.gov/mda/0,1607,7-125-1569_16988_35288-198130--_00.html.</p>
15	What changes could occur with my business that would require me to contact MDA to get a new license, and would I have to pay the application fee again?	<p>If a firm moves to a new physical location or falls under new ownership, the firm must submit a new license application and NSE (see Question #11) to MDA <u>prior</u> to starting operations from the new site. Operating from a new location that is not licensed is a violation of the licensing requirement, even if you were licensed at the old location. The application fee must be submitted with a new license application. Also, if the firm opens additional locations, EACH location must obtain a PABL.</p> <p>If you wish to add a category mid-year after your license has been issued, you must also submit an application, license fee, and a NSE for the qualifying applicator for the new category.</p>
16	My business expanded in 2008 and I now have an employee based in a neighboring city. Do I need to obtain an additional PABL?	MDA has determined that if the employee operates independent of the parent company, a license is required for each employee's location. For example, if the employee performs activities such taking calls for service, advertising their location, billing etc., they will require a separate license. Contact MDA to discuss specific situations.